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Harry A. Glorikian

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EXAMINER

BHATIA, AJAY M

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/006,346	<b>Applicant(s)</b> GLORIKIAN, HARRY A.	
	<b>Examiner</b> AJAY BHATIA	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-37 and 51-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-37 and 51-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/30/2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

Applicant's arguments with respect to claims 31-37 and 51-66 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim(s) 58-64 is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory "process" under 35 U.S.C. 101 must (1) be tied to particular machine, or (2) transform underlying subject matter (such as an article or material) to a different state or thing. See page 10 of In Re Bilski 88 USPQ2d 1385. The instant claims are neither positively tied to a particular machine that accomplishes the claimed method steps nor transform underlying subject matter, and therefore do not qualify as a statutory process. The method including steps of ... is broad enough that the claim could be completely performed mentally, verbally or without a machine nor is any transformation apparent. The method fails to tied to a particular machine, information is received from different devices, but the machine receiving the data is not a particular machine.

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 31-37 and 51-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Sheynblat et al. (United States Patent 6,677,894).

For claim 31, Sheynblat teaches, a mobile computing device, comprising:

a position-determining component configured to periodically determine a position of the mobile computing device relative to time; (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity)

a user input component configured to receive a user selection of a type of information; (Sheynblat, Col. 17 lines 24-33, weather, traffic)

and a communication component configured to transmit first Internet data over a wireless connection to a server computing device storing position-related information and to receive second Internet data over the wireless connection from the server computing device; (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, WWW, internet, Col. 17 lines 32-67, cellular)

wherein the first Internet data includes the geographical position of the mobile computing device and the user selection of a type of information and the second

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Internet data includes data selected in response to the user selection and the geographical position of the mobile computing device; (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, weather)

and an information reporting component configured to report the received selected data to the user. (Sheynblat, Col. 19 lines 30-50, mobile device)

For claim 32, Sheynblat teaches, the mobile computing device of claim 31 wherein the position-determining component includes a GPS receiver configured to indicate a position of the GPS receiver on the Earth's surface, and the first Internet data further includes a rate of change of position or a direction of change of position of the mobile computing device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity)

For claim 33, Sheynblat teaches, the mobile computing device of claim 31 wherein the second Internet data includes site-to-site data in relation to dynamic position of the mobile computing device. (Sheynblat, Col. 21 lines 5-22, routing, map information)

For claim 34, Sheynblat teaches, the mobile computing device of claim 31 wherein the communication component is further configured to receive over the wireless connection pushed real-time data in relation to the geographical position of the mobile computing device. (Sheynblat, Col. 10 lines 14-67, differential GPS, Col. 21 lines 5-20, position/time correction)

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For claim 36, Sheynblat teaches, the mobile computing device of claim 31 wherein the information reporting component is further configured to report the received selected data visually. (Sheynblat, Col. 21 lines 5-22, map)

For claim 37, Sheynblat teaches, the mobile computing device of claim 31 wherein the user selection of the type of information relates to businesses or services. (Sheynblat, Col. 20 lines 15-30, location base marketing, Col. 20, lines 49-55, web site)

For claim 51, Sheynblat teaches, a communication system, comprising:

a server configured to receive first Internet data from a base station, the first Internet data including a geographical position of a mobile computing device and a user selection of a type of information transmitted to the base station from the mobile computing device over a wireless connection; (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, WWW, internet, Col. 17 lines 32-67, cellular, Col. 17 lines 24-33, weather, traffic)

and the server further configured to select data responsive to the user selection and the geographical position from a database and to send the selected data as second Internet data to the base station. (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, weather, Col. 19 lines 30-50, mobile device)

For claim 52, Sheynblat teaches, the communication system of claim 51, further comprising the base station, wherein the base station is further configured to transmit

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the second Internet data to the mobile computing device over the wireless connection.

(Sheynblat, Col. 17 lines 32-67, cellular)

For claim 53, Sheynblat teaches, the system of claim 51, wherein the server is further configured to push real-time data to the mobile computing device in relation to the geographical position of the mobile computing device. (Sheynblat, Col. 10 lines 14-67, differential GPS, Col. 21 lines 5-20, position/time correction)

For claim 54, Sheynblat teaches, the system of claim 51, wherein the server is further configured to select data based on a rate of change of position of the mobile computing device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity, routing information)

For claim 55, Sheynblat teaches, the system of claim 51, wherein the server is further configured to select data based on a direction of change of position of the mobile computing device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity, routing information)

For claim 56, Sheynblat teaches, the system of claim 51, wherein the second Internet data includes site-to-site data in relation to dynamic position of the mobile computing device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, map, velocity, routing information)

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For claim 57, Sheynblat teaches, the system of claim 51, wherein the user selection of the type of information relates to businesses or services. (Sheynblat, Col. 20 lines 15-30, location base marketing, Col. 20, lines 49-55, web site)

For claim 58, Sheynblat teaches, a method, comprising:

receiving first Internet data from a base station, the first Internet data including a geographical position of a mobile computing device and a user selection of a type of information transmitted to the base station from the mobile computing device over a wireless connection; (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, WWW, internet, Col. 17 lines 32-67, cellular, Col. 17 lines 24-33, weather, traffic)

selecting data responsive to the user selection and the geographical position from a database; (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, weather, Col. 19 lines 30-50, mobile device)

and sending the selected data as second Internet data to the base station.  
(Sheynblat, Col. 17 lines 32-67, cellular)

For claim 59, Sheynblat teaches, the method of claim 57, further comprising transmitting the second Internet data from the base station to the mobile computing device over the wireless connection. (Sheynblat, Col. 17 lines 32-67, cellular)



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For claim 60, Sheynblat teaches, the method of claim 57, further comprising pushing real-time data to the mobile computing device in relation to the geographical position of the mobile computing device. (Sheynblat, Col. 18 lines 10-20, location-based service)

For claim 61, Sheynblat teaches, the method of claim 57, further comprising selecting data based on a rate of change of position of the mobile computing device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity, routing information)

For claim 62, Sheynblat teaches, the method of claim 57, further comprising selecting data based on a direction of change of position of the mobile computing device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity, routing information)

For claim 63, Sheynblat teaches, the method of claim 57, wherein the second Internet data includes site-to-site data in relation to dynamic position of the mobile computing device. (Sheynblat, Col. 18, table 1, Col. 21 lines 5-20, velocity, routing information)

For claim 64, Sheynblat teaches, the method of claim 57, wherein the user selection of the type of information relates to businesses or services. (Sheynblat, Col. 20 lines 15-30, location base marketing, Col. 20, lines 49-55, web site)

For claim 65, Sheynblat teaches, a communication system, comprising:

a base station configured to receive first Internet data over a wireless connection from a mobile computing device, wherein the first Internet data including a geographical position of the mobile computing device and a user selection of a type of information; (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, WWW, internet, Col. 17 lines 32-67, cellular, Col. 17 lines 24-33, weather, traffic)

and a server configured to receive the first Internet data from the base station and to select data responsive to the user selection and the geographical position from a database, and the server further configured to send the selected data as second Internet data, wherein the base station is further configured to transmit the second Internet data to the mobile computing device over the wireless connection. (Sheynblat, Col. 18 lines 10-20, location-based service, Col. 17 lines 11-32, weather, Col. 19 lines 30-50, mobile device, Col. 17 lines 32-67, cellular)

For claim 66, Sheynblat teaches, the communication system of claim 65, wherein the server is further configured to push real-time data to the mobile computing device in relation to the geographical position of the mobile computing device. Sheynblat, Col. 10 lines 14-67, differential GPS, Col. 21 lines 5-20, position/time correction)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sheynblat in view of .

For claim 35, Sheynblat fails to clearly disclose, the mobile computing device of claim 31 wherein the information reporting component is further configured to report the received selected data audibly.

Clapper teaches, the mobile computing device of claim 31 wherein the information reporting component is further configured to report the received selected data audibly. (Clapper, Col. 4 lines 20-46, audio)

Clapper and Sheynblat are both in field of portable GPS devices

Clapper and Sheynblat and compatible they are both portable GPS devices

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine Clapper and Sheynblat, because Clapper provides the added functionality of providing a travel record. (Clapper, Col. 1 lines 30-35)

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. The examiner can normally be reached on M, T, H, F 9:00-3:30, Also please fax interview requests to 571-273-3906.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ajay Bhatia/

Examiner, Art Unit 2445